

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1256 of 2020

Arising Out of PS. Case No.-34 Year-2019 Thana- SC/ST District- Patna

SHARDA KUMARI Wife of Sushant Kumar Azad Resident of Jawahar Colony Road No.- 1, Shanti Kunj, Postal Park, Chiraiyatard, Patna, P.S.- Kankarbagh, District - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sushil Kumar Jha
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-02-2021 Heard the parties.

Learned counsel for the appellant is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The matter relates to grant of anticipatory bail to the appellant in connection with SC/ST Patna P.S. Case No. 34 of 2019 corresponding to Spl Case No. 472 of 2019 registered for the offences under Sections 341, 323, 354, 504/34 of the Indian Penal Code and Sections 3(1)(2)/3(2)(va) of the SC/ST Act.

Allegedly, while the informant was going to attend the general body meeting of Bhumi Vikash Bank at Tara Mandal, some of the staffs of the Bank having criminal in nature were abusing the elected members and were abusing the staffs of the



bank. It is also alleged that one Raj Kumar pushed the informant and called her caste name. It is also alleged that the accused persons began to abuse and assault other bank staffs.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. Altogether 12 persons are named in the FIR along with 10-12 unknown persons. The appellant is a lady. Prior to institution of the present case, an informatory petition was filed by the informant vide Annexure-3 to this application. The alleged occurrence has not taken place within the public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 26-02-2020 passed by learned Additional District & Sessions Judge-VIII-cum-Special Judge, SC/ST Act, Patna in SC/ST Patna P.S. Case No. 34 of 2019 corresponding to Spl Case No. 472 of 2019 is set aside. The present Criminal Appeal is *allowed*.



Accordingly, let the appellant, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VIII-cum-Special Judge, SC/ST Act, Patna in connection with SC/ST Patna P.S. Case No. 34 of 2019 corresponding to Spl Case No. 472 of 2019.

(Sudhir Singh, J)

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